

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

**MAIL STOP RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FEB 26 2004**

**OFFICE OF PETITIONS**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or  
plant application filed on or after June 8, 1995

Application Number	09/965,830
Confirmation Number	3999
Filing Date	October 1, 2001
First Named Inventor	Akira MIYAKE
Group Art Unit	1647
Examiner Name	J. Seharaseyon
Matter Number	Q66067
Title	NOVEL POTASSIUM CHANNEL PROTEIN

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Please enter and consider the amendment(s)/reply under 37 C.F.R. § 1.116  
previously filed on \_\_\_\_\_
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statements (IDS) with Statement Under 37 C.F.R. § 1.704(d)
- iv. ☐ Petition for Extension of Time
- v. ☒ Other Petition to Withdraw Application from Issuance Under 37 C.F.R. § 1.313(a) and (c)(2)

**2. MISCELLANEOUS**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a  
period of \_\_\_\_\_ Months
- b. ☐ Other \_\_\_\_\_

**3. FEES**

A check for the RCE statutory fee of \$770.00 is attached. The USPTO is directed and authorized to charge all  
required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any  
overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

**CORRESPONDENCE ADDRESS**

*Direct all correspondence to the address for SUGHRUE MION, PLLC filed under the Customer Number listed below:*

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

**SIGNATURE OF ATTORNEY**

Name Mark L. Hayman Registration No. 51,793

Signature  Date February 26, 2004

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q66067

Akira MIYAKE, et al.

**RECEIVED**

Appln. No.: 09/965,830

**FEB 26 2004**

Confirmation No.: 3999

**OFFICE OF PETITIONS**

Group Art Unit: 1647

Filed: October 1, 2001

Examiner: J. Seharaseyon

For: NOVEL POTASSIUM CHANNEL PROTEIN

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of the listed document is submitted herewith along with a copy of the first page of the foreign Office Communication dated February 4, 2004.

The present Information Disclosure Statement is being filed concurrently with a Petition to Withdraw Application from Issuance in accordance with 37 C.F.R. § 1.313(a) and (c)(2) and a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

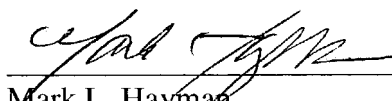
The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. §1.704(d) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

  
Mark L. Hayman  
Registration No. 51,793

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: February 26, 2004

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

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Docket No: Q66067

Akira MIYAKE, et al.

**FEB 26 2004**

Appln. No.: 09/965,830

**OFFICE OF PETITIONS**

Confirmation No.: 3999

Group Art Unit: 1647

Filed: October 1, 2001

Examiner: J. Scharaseyon

For: NOVEL POTASSIUM CHANNEL PROTEIN

**STATEMENT UNDER 37 C.F.R. § 1.704(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

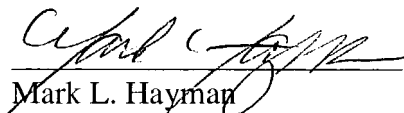
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
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Mark L. Hayman  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: February 26, 2004

Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	09/965,830
Confirmation Number	3999
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First Named Inventor	Akira MIYAKE
Art Unit	1647
Examiner Name	J. Seharaseyon
Attorney Docket Number	Q66067

Sheet

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of

1

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US			<b>RECEIVED</b>  <b>FEB 26 2004</b>  <b>OFFICE OF PETITIONS</b>
		US			
		US			
		US			
		US			
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		US			
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		Titus, et al., "The Drosophila erg K <sup>+</sup> Channel Polypeptide is Encoded by the Seizure Locus", <i>The Journal of Neuroscience</i> , February 1, 1997, vol. 17, pp. 875-881.	N/A

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbol as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to